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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,912	08/31/2001	Jun Suzuki	1614.1184	8142

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STAAS & HALSEY LLP  
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1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER
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WU, RUTAO

ART UNIT	PAPER NUMBER
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3628

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/942,912	SUZUKI, JUN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Rob Wu	3628	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 November 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of Claims***

1. In response filed November 09 2006, the applicant amended claims 1-7. No claims have been cancelled and no new claims have been introduced. Claims 1-10 are pending in the current application.

### ***Response to Arguments***

2. Applicant's arguments filed November 09 2006 have been fully considered but they are not persuasive.

The applicant amended claim 1 to recite the new limitation "displaying a search result screen showing an ordering button and a desired price input box on a user device to allow the user to select either ordering the product or inputting a desired purchasing price." The applicant argues that Barni (U.S. Pat No. 6,064,981) alone or combined with Walker (U.S. Pat No. 5,794,207) do not teach the feature of displaying a search results screen having an ordering button and a desired purchasing price input box to allow the user to select either ordering the product or inputting a desired purchasing price. The Examiner respectfully disagrees.

Barni discloses displaying a search results screen where to accept a given rate quote, the user highlights a given row on the table and takes a given action (e.g., entry of the return key or selection of An accept button.) (Fig 4, col 6: lines 1-3) Barni hereby teaches displaying a search result screen showing an ordering button to allow the user

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to select ordering the product. Barni also disclose that the customer can post their own price for the shipping lanes in the form of posting buyer bids. (col 6: lines 22-23) Barni does not disclose that both the order button and the price input box is on the same search results screen. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to put both the deal accept button and the price input box on the same screen as the search results page. One would be motivated to perform such modification to provide the customer the convenience of performing everything on the same page.

The applicant amended claim 3 to recite the new limitation "displaying a search result screen showing an ordering button and a desired price input box on a user device to allow the user to select either ordering the product or inputting a desired purchasing price." The applicant argues that Barni (U.S. Pat No. 6,064,981) alone or combined with Yamaji (U.S. Pub No. 2002/0010611) do not teach the feature of displaying a search results screen having an ordering button and a desired purchasing price input box to allow the user to select either ordering the product or inputting a desired purchasing price. The Examiner respectfully disagrees.

Barni discloses displaying a search results screen where to accept a given rate quote, the user highlights a given row on the table and takes a given action (e.g., entry of the return key or selection of An accept button.) (Fig 4, col 6: lines 1-3) Barni hereby teaches displaying a search result screen showing an ordering button to allow the user to select ordering the product. Barni also disclose that the customer can post their own price for the shipping lanes in the form of posting buyer bids. (col 6: lines 22-23) Barni

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does not disclose that both the order button and the price input box is on the same search results screen. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to put both the deal accept button and the price input box on the same screen as the search results page. One would be motivated to perform such modification to provide the customer the convenience of performing everything on the same page.

Claims 2, 4-7 recite similar language and are therefore rejected over the reasoning provided above.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4, 5, 7, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat No. 6,064,981 to Barni et al in view of U.S. Pat No. 5,794,207 to Walker et al.

**Referring to claims 1, 4, 7:** Barni et al discloses the following

A price information mediating process for providing selling price information of at least one product supplier to at least one user: said process comprising the steps of:

a) receiving product search conditions from said user; (col 5: lines 36-50)

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b) retrieving a normal selling price of a desired product from storage means in accordance with said product search condition from said user, said storage means including normal selling price information which have been pre-registered by said product supplier; (col 2: lines 2-4; col 5: lines 19-21)

c) sending said retrieved normal selling price to said user; (col 6: lines 3-6)

Barni et al does not expressly disclose the following:

d) displaying a search result screen showing an ordering button and a desired price input box on a user device to allow the user to select either ordering the product or inputting a desired purchasing price;

Barni discloses displaying a search results screen where to accept a given rate quote, the user highlights a given row on the table and takes a given action (e.g., entry of the return key or selection of An accept button.) (Fig 4, col 6: lines 1-3) Barni hereby teaches displaying a search result screen showing an ordering button to allow the user to select ordering the product. Barni also disclose that the customer can post their own price for the shipping lanes in the form of posting buyer bids. (col 6: lines 22-23) Barni does not disclose that both the order button and the price input box is on the same search results screen. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to put both the deal accept button and the price input box on the same screen as the search results page. One would be motivated to perform such modification to provide the customer the convenience of performing everything on the same page.

e) receiving and maintaining the desired purchasing price presented by said user even after a current session is finished; and

f) selectively sending said desired purchasing price to said product supplier when the desired purchasing price presented by said user matches a condition about the selling price presented by the product supplier, while selectively sending product information to said user when a new product satisfying the desired purchasing price is offered by an arbitrary product supplier.

Walker disclose that buyers log on establish a CPO and search for the subject that they are interested in and the CPO is saved for presenting to the suppliers even if the buyers log off the system. (col 15: lines 46-50; col 16: lines 3-7, 49).

Walker teaches selectively sending said desired purchasing price to said product supplier when the desired purchasing price presented by said user mates a condition about the selling price presented by the product supplier by disclosing that the central controller to display CPO only to the most appropriate sellers. (col 18: lines 19-20) Walker also teaches selectively sending product information to said user when a new product satisfying the desired purchasing price is offered by an arbitrary product supplier by disclosing that any number of sellers can respond to the buyer's CPO and any number of responses can be submitted up to the buyer's willing purchase price. (col 20: lines 5-15) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to selectively inform suppliers when the selling price meets the buyer's buying price. Barni et al provides specific motivation by

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disclosing a system that allows price negotiation and already has the feature of notifying winning suppliers who meets the buyer's buying price.

**Referring to claims 2 and 5:**

A price information mediating process for providing selling price information of at least one product supplier to at least one user: said process comprising the steps of:

- a) receiving product search conditions from said user; (col 5: lines 36-50)
- b) retrieving a normal selling price of a desired product from storage means in accordance with said product search condition from said user, said storage means including normal selling price information and allowable discount selling price corresponding to said normal selling price which have been pre-registered by said product supplier; (col 2: lines 2-4; col 5: lines 19-21)
- c) sending said retrieved normal selling price to said user; (col 6: lines 3-6)
- d) displaying a search result screen showing an ordering button and a desired price input box on a user device to allow the user to select either ordering the product or inputting a desired purchasing price;

Barni discloses displaying a search results screen where to accept a given rate quote, the user highlights a given row on the table and takes a given action (e.g., entry of the return key or selection of An accept button.) (Fig 4, col 6: lines 1-3) Barni hereby teaches displaying a search result screen showing an ordering button to allow the user to select ordering the product. Barni also disclose that the customer can post their own price for the shipping lanes in the form of posting buyer bids. (col 6: lines 22-23) Barni does not disclose that both the order button and the price input box is on the same

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search results screen. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to put both the deal accept button and the price input box on the same screen as the search results page. One would be motivated to perform such modification to provide the customer the convenience of performing everything on the same page.

e) receiving the desired purchasing price presented by said user; and (col 2: lines 14-17; col 5: lines 31-35; col 6: lines 22-25)

Barni et al disclose an negotiating system that allows the suppliers the freedom to set their own price and therefore making sure that the purchasing price is higher than the selling price. If the supplier does not like the purchase price, he has the option of not enter in to contract with the buyer. However, Barni et al does not expressly disclose

f) comparing the desired purchasing price with the allowable discount selling price and selectively sending said desired purchasing price to said product supplier if said desired purchase price is greater than said allowable discount selling price. (col 2: lines 14-17; col 5: lines 31-35; col 6: lines 22-25)

walker discloses that the central controller transmits the display only to the most appropriate sellers (col 18: lines 19-20), and since the buyer inputs the desired price when the CPO is submitted(col 16: line 49), then the central controller is capable of sending the CPO to the appropriate sellers when the CPO price is higher than the supplier's price.

Therefore, It would have been obvious to one having ordinary skill in the art at the time the invention was made to selectively inform suppliers when the selling price

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meets the buyer's buying price. Barni et al provides specific motivation by disclosing a system that allows price negotiation and already has the feature of notifying winning suppliers who meets the buyer's buying price.

Barni et al disclose the following:

**Referring to claim 8:**

The server as claimed in Claim 7, wherein said storage means also stores allowable discount selling price corresponding to said normal selling price which have been pre-registered by said product supplier, said second sending means determines whether said desired purchasing price is greater than said allowable discount selling price and sends said desired purchasing price to said product supplier when said second sending means determines that said desired purchasing price is greater than said allowable discount selling price. (col 2: lines 14-17; col 5: lines 31-35; col 6: lines 22-25)

**Referring to claim 10:**

The server as claimed in claim 7, further comprising:

Fourth receiving means for receiving selling permission reporting information from the shop terminal; and (col 6: lines 13-18)

Third sending means for sending said selling permission reporting information to said user terminal. (col 6: lines 1-6)

5. Claims 3, 6, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barni et al in view of U.S. Pub No 2002/0010611 to Yamaji et al.

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As per claims 3 and 6, Barni discloses the following limitations:

Receiving product search conditions from said user; (col 5: lines 36-50)

Retrieving a normal selling price of a desired product from first storage means in accordance with said product search condition from said user, said first storage means including normal selling price information which have been pre-registered by said product supplier; (col 2: lines 2-4; col 5: lines 19-21)

Sending said retrieved normal selling price to said user; (col 6: lines 3-6)

Displaying a search result screen showing an ordering button and a desired price input box on a user device to allow the user to select either ordering the product or inputting a desired purchasing price.

Barni discloses displaying a search results screen where to accept a given rate quote, the user highlights a given row on the table and takes a given action (e.g., entry of the return key or selection of An accept button.) (Fig 4, col 6: lines 1-3) Barni hereby teaches displaying a search result screen showing an ordering button to allow the user to select ordering the product. Barni also disclose that the customer can post their own price for the shipping lanes in the form of posting buyer bids. (col 6: lines 22-23) Barni does not disclose that both the order button and the price input box is on the same search results screen. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to put both the deal accept button and the price input box on the same screen as the search results page. One would be motivated to perform such modification to provide the customer the convenience of performing everything on the same page.

Receiving a desired purchasing price presented by said user; (col 2: lines 14-17; col 5: lines 31-35; col 6: lines 22-25)

Storing said desired purchasing price in second storage means; (col 8: lines 14-18)

Receiving a request for updating said normal selling price stored in said first storage means; and (Fig 3)

Barni does not disclose the system notifying users in case normal selling price takes a value less than the desired purchase price after a seller update.

Yamaji discloses in his application that the customers can choose notification options. For example, automatic notification when discount rate changes by a predetermined value or more, notification in the case where a more advantageous condition occurs on another date of delivery, etc. [0074] Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Barni's invention to include a notification option. One would be motivated to perform such modification to assist the users in obtaining the best price for a desired product.

As per claim 9, Barni discloses means for receiving a request for updating normal selling price. (Fig 3)

Barni does not disclose the system notifying users in case normal selling price takes a value less than the desired purchase price after a seller update.

Yamaji discloses in his application that the customers can choose notification options. For example, automatic notification when discount rate changes by a

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predetermined value or more, notification in the case where a more advantageous condition occurs on another date of delivery, etc. [0074] Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Barni's invention to include a notification option. One would be motivated to perform such modification to assist the users in obtaining the best price for a desired product.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

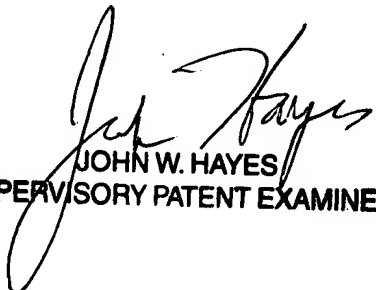
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Wu whose telephone number is (571)272-3136.

The examiner can normally be reached on Mon-Fri 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571)272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

rw

  
JOHN W. HAYES  
SUPERVISORY PATENT EXAMINER